



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
November 14, 2023

This meeting may be held electronically to allow a Councilmember to participate.

3:00 P.M. WORK SESSION - CITY COUNCIL CHAMBERS

- 1 EVENT - Hillcrest Park Playground Ribbon Cutting / Orem Express and Fire Engine 31 Unveiling**
Meet at Hillcrest Park and return to City Center by 5 PM
Presenter: Dave Young, Mayor and Terry Peterson, City Council Member
- 2 PRESENTATION - Proposed Resolution for Historic Memorial**
Presenter: Jake Summers, Deputy City Attorney
- 3 PRESENTATION - Proposed 2024 City Council Schedule**
Presenter: Teresa McKittrick, City Recorder
- 4 PRESENTATION - Mayor Pro Tem for January 2024 - June 2024**
Presenter: Teresa McKittrick, City Recorder

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

This is an opportunity for members of the City Council to raise issues of information or concern.

2.1 Terry Peterson

6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS

3. CALL TO ORDER
4. INVOCATION/INSPIRATIONAL THOUGHT: Jim Lauret
5. PLEDGE OF ALLEGIANCE: Debby Lauret
6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL
 - 6.1 PRESENTATION - Metropolitan Water District of Orem Annual Report**
Presenter: Steve Brown, Chair of the Metropolitan Water District of Orem Board
 - 6.2 PRESENTATION - Emergency Preparedness and City Drill Report**
Presenter: Heath Stevenson, Emergency Manager
7. PERSONAL APPEARANCES - 15 MINUTES

8. CONSENT ITEMS

8.1 APPROVAL OF MEETING MINUTES

October 24, 2023

8.2 APPOINTMENT - Metropolitan Water District of Orem Board

KC Shaw, Alex Lott and Chris Tschirki

8.3 APPOINTMENT - Beautification Advisory Commission

Britton Runolfson and Robert McFadden

8.4 APPOINTMENT - Oremfest Advisory Commission

Katrina Bleyl

9. SCHEDULED ITEMS

9.1 RESOLUTION - Notice of Intent to Consider the Boundary Adjustments

Resolution between the City of Orem and Provo City located near the intersection of 1030 East 1630 South (Orem address); approximately 700 North 1550 East (Orem address); and approximately 2000 South and Columbia Lane (Orem address).

Presenter: Gary McGinn, Assistant City Attorney

9.2 ORDINANCE - Park Lighting and Closure Ordinance

Presenter: Jacob D. Summers, Deputy City Attorney

9.3 RESOLUTION - Recertification of the Orem Municipal Justice Court

Presenter: D. Jacob Summers, Deputy City Attorney

10. COMMUNICATION ITEMS

10.1 MONTHLY FINANCIAL REPORT

September 2023

11. CITY MANAGER INFORMATION ITEMS

12. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.

If you need a special accommodation to participate in the City Council Meetings and Study Sessions, please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 801-229-7000)

This agenda is also available on the City's webpage at orem.org

RESOLUTION NO. _____

A RESOLUTION DIRECTING THE HISTORICAL PRESERVATION ADVISORY COMMISSION AND CITY STAFF TO PROMULGATE A HISTORIC MARKER PROGRAM TO IDENTIFY, PRESERVE, AND PROVIDE EDUCATIONAL MATERIAL REGARDING THE COMMUNITY HISTORY OF THE CITY OF OREM

WHEREAS, the City Council established the Historical Preservation Advisory Commission by ordinance (Article 2-19); and

WHEREAS, the Historical Preservation Advisory Commission has specific duties and responsibilities, including:

- Inventorying historic and archeological sites within the community
- Working towards the continuing education of citizens regarding historic preservation and community history
- Ascertaining procedures and eligibility requirements to be included in the National Register of Historic Places

WHEREAS, the City Council, in 1995, approved a conceptual design for historic markers for the City of Orem; and

WHEREAS, the historical marker was designed by A. Dale Brown, a then member of the Historical Preservation Advisory Commission, and local designer; and

WHEREAS, the City Council previously directed the Historical Preservation Advisory Commission to place markers at historically significant sites in the City of Orem; and

WHEREAS, the City, in recent years, celebrated its 100th birthday; and

WHEREAS, the City Council recognizes that “Orem’s history is a story of its people through community gathering, farming, faith, business, and education” (City of Orem: A Centennial Benchmark, by Charlene Winters p. 9); and

WHEREAS, this history includes various business, civic, and educational partners, which include, among others:

- The Sharon Cooperative Educational Recreational Association (SCERA), which was founded in 1933, during the nationwide Great Depression; and now the City’s partnership is 90 years old (*Id.*);
- Utah Valley University, which began as a small trade school, and has grown with the City and provides residents with various opportunities;

WHEREAS, the City of Orem has a diverse and interesting history to celebrate and preserve; and

WHEREAS, the City Council recognizes the efforts of the Orem Heritage Museum at SCERA, which is sponsored in part by the Orem C.A.R.E. tax, which provides free admission and houses “an impressive 2,000-piece collection that tells the unique history of the city of Orem through artifacts”; and

WHEREAS, the City Council amended portions of Article 22-9 of the Orem City Code to create the Public Facilities (PF) zone; and

WHEREAS, the PF zone was created to ensure that properties that have historically been used for public facilities and have been paid for by Orem taxpayers would continue to be used for and/or preserved to meet the need for such public facilities in the future;

WHEREAS, the City Council included all properties owned by the City of Orem into the PF zone; and

WHEREAS, the PF zone includes City parcels on 1600 North, the SCERA Park, and the Heritage Park Tank site; and

WHEREAS, the City's designs for the Heritage Park Tank site include a walking path and the placement of a restored 1880s-era homestead cabin; and

WHEREAS, the City is committed to building a Gold Star Families Memorial Monument and plaza to honor and celebrate the legacy of our country and our community's heroes; and

WHEREAS, the City Council believes that it is in the best interest of the community to provide residents places to reflect, honor, and contemplate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Orem City Council reaffirms that it is in the best interest of the community to protect and preserve the City's historic and archaeological resources.
2. The Orem City Council hereby directs the Historical Preservation Advisory Commission to develop criteria for the designation and placement of historical markers within the City of Orem. These criteria should include, among others, the following considerations:
 - a. Location within the boundaries of the city;
 - b. Age
 - c. Historic integrity (direct association with events of historic significance in Orem, close association with the lives of person who were of historic importance; etc.)

3. The Orem City Council requests the Historical Preservation Advisory Commission develop a process for the recommendation and approval of the placement of historical markers.
4. The Orem City Council requests that the Historical Preservation Advisory Commission prepare a report of all existing historical markers, their location, and a summary of the site's historical significance.
5. Further, the Orem City Council requests City staff, in coordination with the Historical Preservation Advisory Commission, to explore and develop potential options for the inclusion of historical markers and education material at the Heritage Park Tank site.
6. The Orem City Council directs City staff to continue efforts to preserve the unique nature of land within the PF zone, including land located along 1600 North.
7. The Orem City Council requests that City staff work towards the planning and development of other memorial monuments to honor the various groups of the community, including women and children.

ASSED AND APPROVED this 14th day of **November 2023**.

David A. Young, Mayor

ATTEST:

Teresa McKittrick, City Recorder

| COUNCILMEMBER | YES | NO | ABSTAIN |
|----------------|--------------------------|--------------------------|--------------------------|
| David A. Young | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jeff Lambson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| Debby Lauret | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Macdonald | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LaNae Millett | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Terry Peterson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Spencer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

City Council Meetings for 2024

| <u>City Council dates:</u> | <u>Other important dates and information</u> |
|----------------------------|---|
| January 2, 2024 | New Councilmembers Swear In |
| January 9, 2024 | |
| January 23, 2024 | |
| January 26-27, 2024 | Tentative date for City Council Retreat |
| February 13, 2024 | |
| February 27, 2024 | March 5 Presidential Primary or Caucus |
| March 12, 2024 | |
| March 26, 2024 | April 1-5 th : ASD Spring Break April 8-10 - UGFOA Conference |
| April 9, 2024 | April 17 th – 19 th : ULCT Mid-Year Conference |
| April 23, 2024 | May 8-10 Utah Muni. Atty Conference |
| May 14, 2024 | |
| May 28, 2024 | June 3rd – 8 th : Oremfest June 9-12 GFOA Conference |
| June 18, 2024 | June 25 Primary Election Day |
| July 9, 2024 | |
| August 13, 2024 | |
| August 27, 2024 | September 4-6 th ULCT Fall Conference |
| September 10, 2024 | |
| September 17, 2024 | September 21st-25 th ICMA Conference |
| October 8, 2024 | October 17 th – 21 st : ASD Fall Break |
| October 22, 2024 | November 5 th – General Election Day |
| November 12, 2024 | |
| December 10, 2024 | |

MAYOR PRO TEM

| <i>Year</i> | <i>January-June</i> | <i>July-December</i> |
|--------------------|----------------------------|-----------------------------|
| 2010 | Margaret Black | Karen McCandless |
| 2011 | Brent Sumner | Carl Hernandez |
| 2012 | Mary Street | Mark Seastrand |
| 2013 | Karen McCandless | Margaret Black |
| 2014 | Brent Sumner | Hans Andersen |
| 2015 | Tom Macdonald | David Spencer |
| 2016 | Mark Seastrand | Brent Sumner |
| 2017 | Debby Lauret | Sam Lentz |
| 2018 | Tom Macdonald | Mark Seastrand |
| 2019 | David Spencer | Brent Sumner |
| 2020 | Debby Lauret | Terry Peterson |
| 2021 | Jeff Lambson | David Spencer |
| 2022 | Terry Peterson | LaNae Millett |
| 2023 | Jeff Lambson | Debbie Lauret |
| 2024 | David Spencer | Tom Macdonald |
| 2025 | | |
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**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

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|--------------------------|-----------------------------|
| REQUEST: | APPROVAL OF MEETING MINUTES |
| APPLICANT: | |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | |

REQUEST:

BACKGROUND:

RECOMMENDATION:



**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

| | |
|--------------------------|---|
| REQUEST: | APPOINTMENT - Metropolitan Water District of Orem Board |
| APPLICANT: | |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | |

REQUEST:

BACKGROUND:

RECOMMENDATION:



**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

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| REQUEST: | APPOINTMENT - Beautification Advisory Commission |
| APPLICANT: | |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | |

REQUEST:

BACKGROUND:

RECOMMENDATION:



**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

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|--------------------------|--|
| REQUEST: | APPOINTMENT - Oremfest Advisory Commission |
| APPLICANT: | |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | |

REQUEST:

BACKGROUND:

RECOMMENDATION:



**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

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|--------------------------|--|
| REQUEST: | RESOLUTION - Notice of Intent to Consider the Boundary Adjustments Resolution between the City of Orem and Provo City located near the intersection of 1030 East 1630 South (Orem address); approximately 700 North 1550 East (Orem address); and approximately 2000 South and Columbia Lane (Orem address). |
| APPLICANT: | Jason Bench |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | Jason Bench, Planning Division Manager |

REQUEST:

BACKGROUND:

RECOMMENDATION:

CITY OF OREM
CITY COUNCIL MEETING
NOVEMBER 14, 2023



| | |
|-----------------------|---|
| REQUEST: | 6:00 P.M. SCHEDULED ITEM |
| | RESOLUTION – A resolution by the Orem City Council indicating its intent to agree on a common boundary between the City of Orem and Provo City located near the intersection of 1030 East 1630 South (Orem address); approximately 700 North 1550 East (Orem address); and approximately 2000 South and Columbia Lane (Orem address) |
| APPLICANT: | Canyon River Holdco, LLC and City of Orem |
| FISCAL IMPACT: | None |

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- E-mailed to newspapers

SITE INFORMATION:

- General Plan Designation: N/A
- Current Zone: N/A
- Acreage: N/A
- Neighborhood: N/A

**PLANNING COMMISSION
RECOMMENDATION**

Vote: N/A

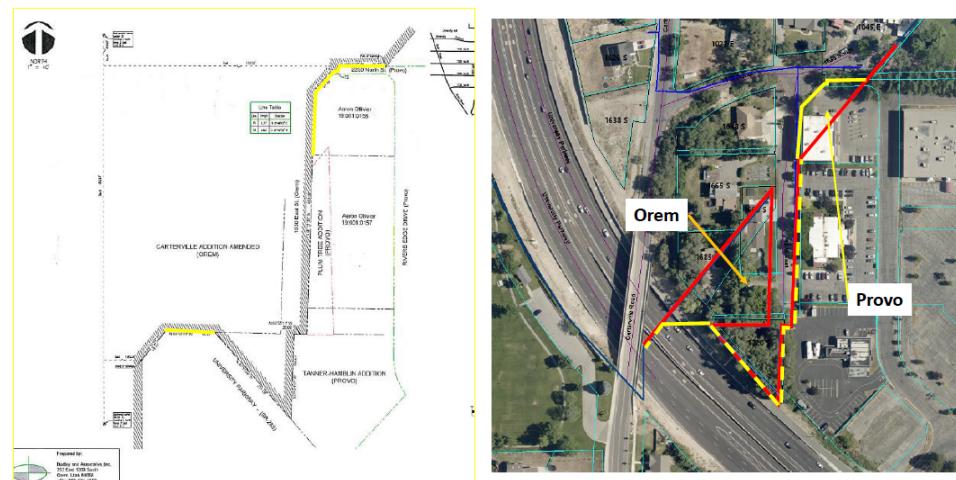
PREPARED BY:

Jason Bench
Assistant Development
Services Director

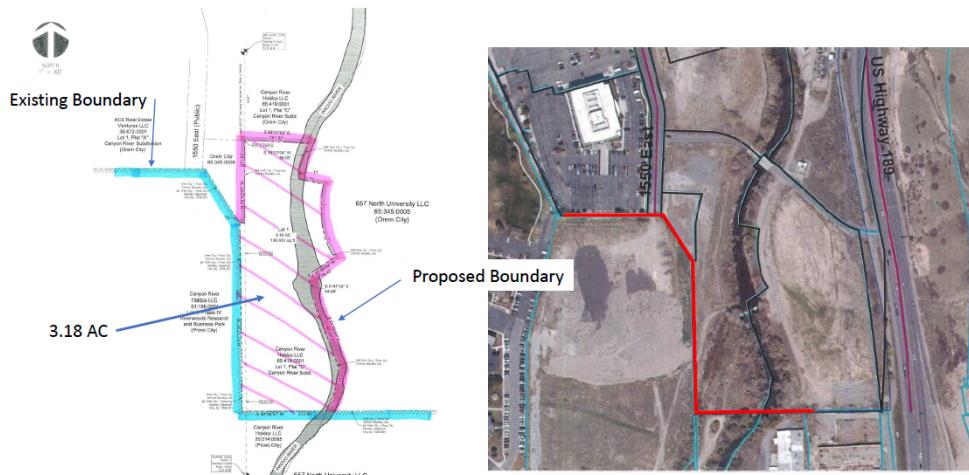
REQUEST: The applicants request the City Council approve a “resolution of intent” to adjust three common boundaries with the City of Provo located generally at 1030 East 1630 South, 700 North 1550 East; and 2000 South Columbia Lane.

BACKGROUND: Utah Code Section 10-2-419 requires the governing bodies of the jurisdictions to approve resolutions of intent to adjust the common boundary prior to approval of the change. The City Council, at a later date, no less than 60 days after the adoption of the resolution of intent may formally approve the proposed boundary changes. Currently, the City of Provo is also processing the request.

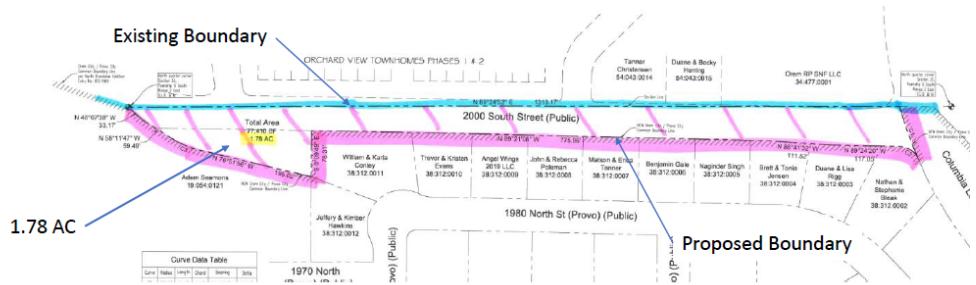
1030 East 1630 South (Approx.):



700 North 1550 East (Approx.):



2000 South Columbia Lane (Approx.):



RECOMMENDATION: Staff recommends the City Council, by resolution, consider a “resolution of intent” to adjust three common boundaries with the City of Provo located generally at 1030 East 1630 South, 700 North 1550 East; and 2000 South Columbia Lane.

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL INDICATING ITS
INTENT TO AGREE ON A COMMON BOUNDARY BETWEEN THE CITY
OF OREM AND PROVO CITY LOCATED NEAR THE INTERSECTION OF
1030 EAST AND 1630 SOUTH (OREM ADDRESS)

WHEREAS, Utah Code Annotated §10-2-419 allows the legislative bodies of two cities to adjust a common boundary between the cities; and

10 WHEREAS, it has been proposed that the City of Orem and Provo City agree on a
11 boundary between them as shown in the attached Exhibit A that was previously disputed by Utah
12 County; and

13 WHEREAS, the proposed boundary would consist of transferring no property to either
14 city; and

15 WHEREAS, the Orem City Council considered this matter at a duly noticed public meeting
16 on November 14, 2023 regarding this matter and received public comment, which facts and
17 comments are found in the public record; and

18 WHEREAS, the Orem City Council desires to adopt a resolution indicating the intent of
19 the Orem City Council to agree to a common boundary between Orem and Provo in accordance
20 with the requirements of Utah Code Annotated §10-2-419.

21 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
22 OREM, UTAH, as follows:

PART I

1. The City Council of the City of Orem hereby declares its intent to agree on the common boundary between the City of Orem and Provo City as shown in Exhibit A if it furthers the health, safety and welfare of the residents of the City of Orem.
2. A public hearing shall be held no less than 60 days after the adoption of this resolution to ascertain the facts of this matter and receive public comment.
3. The public hearing shall be held in accordance with the noticing requirements set forth in Utah Code Annotated §10-2-419.

PARRT II

1. This resolution shall become effective immediately upon passage.

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37 2. All other resolutions, ordinances and policies in conflict herewith, either in whole or in
38 part, are hereby repealed.

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40 **END OF RESOLUTION**

41 PASSED and APPROVED this ____ day of _____, 2023.

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David A. Young, Mayor

ATTEST:

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50 _____
51 Teresa McKittrick, City Recorder

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53 **COUNCILMEMBER YES NO ABSTAIN**

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|-------------------------|--------------------------|--------------------------|--------------------------|
| 55 David A. Young | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 56 Jeff Lambson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 57 Debby Lauret | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 58 Tom Macdonald | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 59 LaNae Millett | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 60 Terry Peterson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 61 David Spencer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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Exhibit A

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL INDICATING ITS
INTENT TO ADJUST A COMMON BOUNDARY BETWEEN THE CITY OF
OREM AND PROVO CITY TO PLACE APPROXIMATELY 3.18 ACRES OF
PROPERTY LOCATED AT APPROXIMATELY 700 NORTH 1550 EAST
(OREM ADDRESS) ENTIRELY WITHIN PROVO CITY

9 WHEREAS, Utah Code Annotated §10-2-419 allows the legislative bodies of two cities to
10 adjust a common boundary between the cities; and

11 WHEREAS, it has been proposed that Orem and Provo adjust their common boundary to
12 transfer approximately 3.18 acres from the City of Orem jurisdiction to Provo City jurisdiction at
13 approximately 700 North 1550 East in Orem as shown in the attached Exhibit A; and

15 WHEREAS, the Orem City Council considered this matter at a duly noticed public meeting
16 on November 14, 2023 regarding this matter and received public comment, which facts and
17 comments are found in the public record; and

18 WHEREAS, the Orem City Council desires to adopt a resolution indicating the intent of
19 the Orem City Council to adjust a common boundary between Orem and Provo in accordance with
20 the requirements of Utah Code Annotated §10-2-419.

21 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
22 OREM, UTAH, as follows:

PART I

1. The City Council of the City of Orem hereby declares its intent to adjust the common boundary between the City of Orem and Provo City as shown in Exhibit A if it furthers the health, safety and welfare of the residents of the City of Orem;
2. A public hearing shall be held no less than 60 days after the adoption of this resolution to ascertain the facts of this matter and receive public comment;
3. The public hearing shall be held in accordance with the noticing requirements set forth in Utah Code Annotated §10-2-419;

PART II

1. This resolution shall become effective immediately upon passage.

37 2. All other resolutions, ordinances and policies in conflict herewith, either in whole or in
38 part, are hereby repealed.

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40 **END OF RESOLUTION**

41 PASSED and APPROVED this ____ day of _____, 2023.

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47 ATTEST:

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51 Teresa McKittrick, City Recorder

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53 **COUNCILMEMBER YES NO ABSTAIN**

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55 David A. Young
56 Jeff Lambson
57 Debby Lauret
58 Tom Macdonald
59 LaNae Millett
60 Terry Peterson
61 David Spencer

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David A. Young, Mayor

Exhibit A

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL INDICATING ITS
INTENT TO ADJUST A COMMON BOUNDARY BETWEEN THE CITY OF
OREM AND PROVO CITY TO PLACE APPROXIMATELY 77,410 SQUARE
FEET OF PROPERTY LOCATED AT APPROXIMATELY 2000 SOUTH AND
COLUMBIA LANE (OREM ADDRESS) ENTIRELY WITHIN THE CITY OF
OREM

WHEREAS, Utah Code Annotated §10-2-419 allows the legislative bodies of two cities to adjust a common boundary between the cities; and

WHEREAS, it has been proposed that Orem and Provo adjust their common boundary to transfer approximately 77,410 square feet from Provo City jurisdiction to the City of Orem jurisdiction along 2000 South in Orem as shown in the attached Exhibit A; and

WHEREAS, the Orem City Council considered this matter at a duly noticed public meeting on November 14, 2023 regarding this matter and received public comment, which facts and comments are found in the public record; and

WHEREAS, the Orem City Council desires to adopt a resolution indicating the intent of the Orem City Council to adjust a common boundary between Orem and Provo in accordance with the requirements of Utah Code Annotated §10-2-419.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

PART I

1. The City Council of the City of Orem hereby declares its intent to adjust the common boundary between the City of Orem and Provo City as shown in Exhibit A if it furthers the health, safety and welfare of the residents of the City of Orem;
2. A public hearing shall be held no less than 60 days after the adoption of this resolution to ascertain the facts of this matter and receive public comment;
3. The public hearing shall be held in accordance with the noticing requirements set forth in Utah Code Annotated §10-2-419;

PARRT II

1. This resolution shall become effective immediately upon passage.

2. All other resolutions, ordinances and policies in conflict herewith, either in whole or in part, are hereby repealed.

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END OF RESOLUTION

42 PASSED and APPROVED this ____ day of _____, 2023.

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David A. Young, Mayor

48 ATTEST:

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51 Teresa McKittrick, City Recorder

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54 COUNCILMEMBER YES NO ABSTAIN

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56 David A. Young

57 Jeff Lambson

58 Debby Lauret

59 Tom Macdonald

60 LaNae Millett

61 Terry Peterson

62 David Spencer

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Exhibit A



**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

| | |
|--------------------------|---|
| REQUEST: | ORDINANCE - Park Lighting and Closure Ordinance |
| APPLICANT: | |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | |

REQUEST:

BACKGROUND:

RECOMMENDATION:

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING SECTION
13-1-11 PARK CURFEW

WHEREAS, the City of Orem has the duty of caring for, operating, and maintaining parks and recreation areas; and

WHEREAS, it is the City's intention to provide the public with access to parks and recreation areas; and

WHEREAS, the City wants to provide equal access and equal use and enjoyment of parks and recreation areas to all residents and the public; and

WHEREAS, the City has invested in various improvements in the recreation areas; and

WHEREAS, the City desires to attract local, regional, and national recreation tournaments to the City's parks and recreation areas;

WHEREAS, the City Council desires to provide the Recreation Department with appropriate tools to provide flexibility, regularity, and oversight when scheduling recreational tournaments that are subject to the weather and scheduling issues; and

WHEREAS, the City Council finds it is necessary to amend Section 13-1-11 to create a permit process for the use of parks outside of regular hours; and

WHEREAS, the City Council finds the proposed enactment to be in the best interest of the City and necessary to protect and preserve the welfare and safety of residents in general; and

WHEREAS, the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AS FOLLOWS:

1. The City Council hereby amends Section 13-1-11 as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.
2. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
3. All other ordinances, policies, and resolutions in conflict herewith are hereby repealed.
4. This ordinance shall take effect immediately upon passage and publication.

PASSED and APPROVED this ____ day of _____, 2023.

David A. Young, Mayor

ATTEST:

Teresa McKitrick, City Recorder

| COUNCILMEMBER | YES | NO | ABSTAIN |
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|----------------|--------------------------|--------------------------|--------------------------|
| David A. Young | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Jeff Lambson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Debby Lauret | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Tom Macdonald | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| LaNae Millett | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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|----------------|--------------------------|--------------------------|--------------------------|
| Terry Peterson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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|---------------|--------------------------|--------------------------|--------------------------|
| David Spencer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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EXHIBIT “A”

Article 13-1. Parks and the Orem Fitness Center

13-1-11. Park curfew.

- A. All City parks shall be closed between the hours of 11:00 p.m. and 5:00 a.m. It shall be unlawful for any person other than City employees performing their duties to be in a park when it is closed. This provision shall not apply, however, in cases where the Department of Recreation grants permission for overnight use of the City Center Park or a portion thereof to an organization, which as part of a City sponsored, communitywide historical or patriotic celebration, has a display which spans more than one consecutive day, the nature of which requires people to be present at the display overnight. The organization shall also enter into an agreement with the City which covers issues such as the timing of lawn irrigation, grounds keeping, security, and liability.
- B. The Recreation Department Director shall have the authority to temporarily modify the hours of use of the following parks: City Center Park, Community Park, Hillcrest Park, and Lakeside Park. Such temporary modification shall be authorized by a prior written permit.
 1. Permit Application. A person seeking a permit shall submit a complete application to the Recreation Department Director on the forms prescribed by the Director and accompanied by the fees set forth in the City's then current schedule of fees and charges.
 2. Grounds for Denial. The Director may deny an application for a permit for any of the reasons listed in this Subsection.
 - a. The submitted application was incomplete, contained fraudulent or misleading statements, or a required fee for the permit or application was not paid.
 - b. The requested park area or facility is previously reserved or otherwise unavailable for use or the proposed permitted use will unreasonably interfere with another permitted use or City-approved event.
 - c. The proposed permitted use will unreasonably interfere with or detract from the promotion of public health, safety, welfare, or recreation, or will disturb the peace of or cause undue hardship on neighboring residents or businesses.
 - d. The proposed permitted use will entail unusual, extraordinary, or burdensome City expense or public safety supervision by the City. In making this determination, the Director may consider whether the applicant will pay for off-duty police officers or other security required by the City to ensure the safety of participants.
 - e. Within the eighteen (18) month period immediately preceding submittal of the application, the applicant or the proposed permitted use violated or failed to comply with any of the permit conditions of Subsection 13-1-11(B)(3) or failed to obtain a permit required by this Section.
 - f. Within the eighteen (18) month period immediately preceding submittal of the application, the applicant or the proposed permitted use had a permit revoked pursuant to Subsection 13-1-11(B)(8).

3. Permit Conditions.

- a. The permitted use shall not unreasonably interfere with or detract from the promotion of public health, safety, welfare, or recreation.
- b. The permittee and participants of the permitted use shall not engage in conduct that would constitute disorderly conduct under Utah Code § 76-9-102, as amended.
- c. The permitted use shall not incite violence or crime.
- d. The permitted use shall not result in food, beverage, clothing, or any item intended for donation or distribution dumped, deposited, abandoned, or left unattended in a park.
- e. The permitted use shall not cause any unsanitary or unsafe condition in a park, such as the overwhelming of a park restroom or locker room facility with people or refuse, the overloading of a trash or recycling receptacle with refuse, or refuse being left or abandoned in a park outside of the appropriate receptacles.
- f. All refuse from the permitted use shall be immediately removed from the park or properly disposed of in the appropriate receptacles. All personal property utilized for the permitted use shall be immediately removed from the park or properly disposed of in the appropriate receptacles upon expiration of the permit.
- g. The permitted use shall not unreasonably interfere with any other permitted use or City-approved event and shall not unreasonably interfere with a person's reasonable and lawful use of a park.
- h. The permitted use shall not disturb the peace, as defined in Orem City Code 9-2-9, or cause undue hardship on the neighboring residents or businesses.
- i. The permitted use shall not interfere with the operation of a police department, fire department, or other emergency personnel and shall not interfere with the maintenance of a park.

4. Appeal of Permit Denial. If the Director denies an application for a permit, the applicant may appeal the denial to the City Manager within ten (10) days of issuance of the Director's decision. The City Manager will issue a decision to sustain, modify, or overrule the Director's decision. The City Manager may summarily deny an untimely appeal. The City Manager's decision is final.
5. Limitations. A permit is valid only for the specified location, date, time, and permitted use. If the location, date, time, or permitted use is changed after a permit is issued, the applicant must submit a new application and fees, and obtain a new permit.
6. Inspection. A permit shall, at all times while the permitted use is on-going, be on-site at the permitted use and made available for the inspection upon demand of any City official.
7. City Personnel. It shall be a requirement for any permit that city staff will be on site for any event extending beyond general operating hours and the City may require an additional fee for the personnel costs.
8. Non-transferability. A permit is not transferable and not assignable. Any attempted transfer or assignment will void a permit and any fees paid will be forfeited.

9. Revocation.

- a. The Director, the Public Works Director, or a police officer may revoke a permit at any time for any of the reasons stated in this Subsection.
 - i. Violation of or non-compliance with any permit condition listed in Subsection 13-1-11(B)(3).
 - ii. The Director, the Public Works Director, a police office, or other City official determines, at any time, that a ground for denial listed in Subsection 13-1-11(B)(2) exists.
- b. Upon revocation, the permitted use shall immediately cease, the permittee shall immediately remove from the park or properly dispose of in the appropriate receptacles all refuse of the permitted use and personal property utilized for the permitted use, and the permittee shall ensure that all participants immediately disperse and leave the park.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-97-0021, Amended, 04/08/97; Ord. No. O-08-0013, Amended 07/08/2008)



**CITY OF OREM
CITY COUNCIL
MEETING
NOVEMBER 14, 2023**

| | |
|--------------------------|--|
| REQUEST: | RESOLUTION - Recertification of the Orem Municipal Justice Court |
| APPLICANT: | |
| NOTICES: | |
| SITE INFORMATION: | |
| PREPARED BY: | |

REQUEST:

BACKGROUND:

RECOMMENDATION:

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL REQUESTING
RECERTIFICATION OF THE OREM MUNICIPAL JUSTICE COURT
BY THE JUSTICE COURT STANDARDS COMMITTEE AND THE
UTAH JUDICIAL COUNCIL

WHEREAS the City of Orem has been operating a Municipal Justice Court; and

WHEREAS each Municipal Justice Court in Utah must be recertified every four years; and

WHEREAS the current certification for Orem's Municipal Justice Court expires in January 31, 2024, and it is now time to apply for recertification; and

WHEREAS the members of the Orem City Council have received an opinion letter from the Orem City Attorney which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain a Justice Court in Orem; and

WHEREAS the Orem City Council has determined that it is in the best interest of the City of Orem to continue providing for a Justice Court in Orem.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The Orem City Council hereby requests the Justice Courts Standards Committee and the Utah Judicial Council to recertify Orem's Municipal Justice Court
2. The Orem City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for the continued operation of the Orem Municipal Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.
3. The Orem City Council hereby authorizes and directs City staff to complete any other actions necessary to complete the recertification process.

4. All acts, orders, resolutions, and ordinances, and parts thereof, in conflict with this Resolution are hereby rescinded.
5. This Resolution shall become effective immediately upon passage.

PASSED AND APPROVED this **14th** day of **November 2023**.

David A. Young, Mayor

ATTEST:

Teresa McKittrick, City Recorder

| COUNCILMEMBER | YES | NO | ABSTAIN |
|----------------|--------------------------|--------------------------|--------------------------|
| David A. Young | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jeff Lambson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Debby Lauret | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Macdonald | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LaNae Millett | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Terry Peterson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Spencer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

November 10, 2023

Mayor and City Council Members
56 North State Str.
Orem, UT 84057

Dear Mayor and City Council Members,

At the November 14, 2023 City Council meeting, you will be considering a resolution requesting the Utah Judicial Council to recertify Orem's Municipal Justice Court. In the proposed resolution, the City Council also expresses its willingness to continue complying with Judicial Council standards for operating a Justice Court. As part of this recertification process, I am required to give you a written opinion advising you of all requirements for operating a justice court and giving my opinion on the feasibility of maintaining a justice court in Orem.

Requirements for Operating a Justice Court

I will list the statutory and administrative rule requirements for maintaining a justice court in Orem. Orem currently complies with all of these requirements.

State Statutes

Statutory Requirements. Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).
5. The entity operating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206).

6. The entity operating a justice court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (Section 78A7-205).
7. The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A7-103).
8. The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-103).
9. The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-103).
10. The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-103).
11. Witness and jury fees as required by law shall be paid by the entity which operates the court (Sections 10-7-76 and 17-50-319).
12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Sections 78A-7-120 and 78A-7-121).
13. Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (Section 78A-7-206).
14. Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).
15. The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (Section 78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (Section 78A-7-215).
17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (Section 78A-7-213).

Judicial Council Rules

In addition to those requirements which are directly imposed by statute, the Judicial Council has established additional requirements for the creation and ongoing certification of justice courts, as follows:

1. A clerk shall be available for at least one hour each day that the court is required to be open and during court hearings, as required by the judge. These hours shall be posted on the court's website.
2. The judge shall be available to conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.
3. All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.
4. The minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public, as well as a judicial robe, a gavel, and necessary forms and supplies.
5. Office space for the judge and clerk shall be appropriate. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.
6. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.
7. The entity shall have at least one peace officer (which may be contracted).
8. A current court security plan shall be submitted for approval as required by Rule 3-414 of the Code of Judicial Administration.
9. Each court shall have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.

10. Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in requirement 9 above.
11. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.
12. The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.
13. Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.
14. Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.
15. The court shall accept credit and debit cards through a system that integrates with CORIS.
16. The court shall have access to UCJIS.
17. An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103).
 - a. For Class I and Class II justice courts, the system must:
 - i. be a stand-alone unit that records and audibly plays back the recording;
 - ii. index, back-up and archive the recording and enable the record to be retrieved;
 - iii. have at least four recording channels;
 - iv. have a one step "on" and "off" recording function;
 - v. have conference monitoring of recorded audio;
 - vi. have external record archiving from the unit with local access;
 - vii. be capable of being integrated with the courts public address system; and
 - b. For Class III and Class IV justice courts, the system must, at a minimum:
 - i. be a stand-alone unit that records and audibly plays back the recording;
 - ii. index, back-up and archive the recording and enable the record to be retrieved; and
 - iii. have at least two recording channels.
 - c. The Board of Justice Court Judges may create a list of products that meet these criteria.

Additional Requirements for Class I Justice Courts

Courts which have an average monthly filing of more than 500 cases (such as Orem's Justice Court) are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three full-time clerks, at least one of whom is available during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and which meets the master plan guideline adopted by the Judicial Council, and must have a judge's chambers and clerk's office that cannot be shared by another entity.

Feasibility of Maintaining a Justice Court in Orem

In my opinion, it is feasible for Orem to continue operating a Municipal Justice Court. In reaching this opinion, I have corresponded with Justice Court Administrator Jody Thenot, Finance Director Brandon Nelson, and Deputy City Attorney Jake Summers, to get their perspectives on the current operation and funding of the Orem Justice Court.

Please feel free to call me if you have any questions or concerns.

Best Regards,

Steven C. Earl
Orem City Attorney

**APPLICATION
FOR RECERTIFICATION
OF EXISTING JUSTICE COURTS**



OCTOBER 2023

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of justice courts. *These requirements now include changes to Appendix B of the Code of Judicial Administration which took effect on May 1, 2023.*

In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operation of the justice court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a justice court, and the feasibility of maintaining a justice court. ***This opinion must address all requirements for operating a justice court, including those which took effect earlier this year.*** In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for, and operation of, the court during the period of certification. ***A copy of the attorney's opinion and the resolution must accompany the application.*** Please use the checklist on page 24 of this packet.

(1) **Statutory Requirements.** Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

(1)(A) All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (Section 78A-7-213).

(1)(B) Each court shall be open and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

(1)(C) The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

(1)(D) The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

(1)(E) The entity operating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206).

(1)(F) The entity operating a justice court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (Section 78A-7-205).

(1)(G) The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-103).

(1)(H) The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-103).

(1)(I) The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (Section 78A-7-103).

(1)(J) The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (Section 78A-7-103).

(1)(K) Witness and jury fees as required by law shall be paid by the entity which operates the court (Sections 10-7-76 and 17-50-319).

(1)(L) Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (Sections 78A-7-120 and 78A-7-121).

(1)(M) Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (Section 78A-7-206).

(1)(N) Court shall be held within the jurisdiction of the court, except as provided by law (Section 78A-7-212).

(1)(O) The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (Section 78A-7-103).

(1)(P) All required reports and audits shall be filed as required by law or by rule of the Judicial Council (Section 78A-7-215).

(1)(Q) All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (Section 78A-7-213).

(2) Judicial Council Minimum Requirements. In addition to those requirements which are directly imposed by statute, the Judicial Council has established additional requirements for the creation and ongoing certification of justice courts, as follows:

(2)(A) A clerk shall be available for at least one hour each day that the court is required to be open and during court hearings, as required by the judge. These hours shall be posted on the court's website.

(2)(B) The judge shall be available to conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.

(2)(C) All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.

(2)(D) The minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and

defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public, as well as a judicial robe, a gavel, and necessary forms and supplies.

- (2)(E) Office space for the judge and clerk shall be appropriate. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.
- (2)(F) The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.
- (2)(G) The entity shall have at least one peace officer (which may be contracted).
- (2)(H) A current court security plan shall be submitted for approval as required by Rule 3-414 of the Code of Judicial Administration.
- (2)(I) Each court shall have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
- (2)(J) Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in Section (2)(I) above.
- (2)(K) Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.
- (2)(L) The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.
- (2)(M) Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.
- (2)(N) Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.
- (2)(O) The court shall accept credit and debit cards through a system that integrates with CORIS.

(2)(P) The court shall have access to UCJIS.

(2)(Q) An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103).

(2)(Q)(i) For Class I and Class II justice courts, the system must:

- (a) be a stand-alone unit that records and audibly plays back the recording;
- (b) index, back-up and archive the recording and enable the record to be retrieved;
- (c) have at least four recording channels;
- (d) have a one step “on” and “off” recording function;
- (e) have conference monitoring of recorded audio;
- (f) have external record archiving from the unit with local access;
- (g) be capable of being integrated with the courts public address system; and

(2)(Q)(ii) For Class III and Class IV justice courts, the system must, at a minimum:

- (a) be a stand-alone unit that records and audibly plays back the recording;
- (b) index, back-up and archive the recording and enable the record to be retrieved; and
- (c) have at least two recording channels.

(2)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.

In establishing minimum requirements, the Judicial Council has determined that justice courts with higher case filings require greater support services. To accommodate the great differences in judicial activity among justice courts throughout the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification.

Courts which have an average of fewer than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are set forth above. These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as “base requirements.”

Courts which have an average of more than 60 but fewer than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see Class III minimum requirements below), and court must be scheduled at least twice per month.

Courts which have an average of more than 200 but fewer than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see Class II minimum requirements below), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be

provided an appropriate office (chambers) for his or her own use, clerical space may not be shared, at least one full-time clerk must be provided (see Class II minimum requirements below), and the courtroom, judge's chambers and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three full-time clerks, at least one of whom is available during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any justice court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the legislature (i.e. requirements (1)(A)-(1)(Q) above). Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will generally be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified, and the fact that a waiver has been previously granted will not be determinative on the issue of waiver for any successive application.

There is a great diversity in the needs of the justice courts. The needs of a particular court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time. Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; in such circumstances a waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual justice court judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Board of Justice Court Judges will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Board intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information to the Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Board's recommendations.

If you have any questions concerning this application, please contact James Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing jamesp@utcourts.gov.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a court is determined at creation and is subject to review and possible reclassification twice per year. While the standards for some areas of court operation are uniform for all classifications of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full time

Judge: Full time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full-time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Other legal resources as required under 78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- HOURS:

Court Open:

| | |
|-----------------|--------------------------|
| 201-300 filings | At least 4 hours per day |
| 301-400 filings | At least 5 hours per day |
| 401-500 filings | At least 6 hours per day |

Judge available when needed. Trial calendar set at least weekly.

- FACILITY:

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- CLERICAL RESOURCES:

| | |
|-----------------|------------------------------|
| 201-275 filings | At least one full-time clerk |
| 276-350 filings | 1.5 FTEs |
| 351-425 filings | 2.0 FTEs |
| 426-500 filings | 2.5 FTEs |

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

61-200 citations or cases per month

- HOURS:

Court Open

61-150 filings At least 2 hours a day

151-200 filings At least 3 hours a day

Judge available as needed. Trial calendar set at least twice per month.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court, it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

0-60 citations and/or cases per month

- HOURS:

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's/clerk office (can be a shared resource but court has priority when needed.)

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and certification requirements for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the justice courts. In many instances, this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that justice courts convey a sense of justice, dignity and concern for the citizens who interact with them. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and justice courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for district courts apply to justice courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

- GENERAL COURTROOM DESIGN:

As stated above, justice court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to justice courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the justice courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.
2. The judge's bench should be elevated at least one riser (six inches) above the well floor level. As in the district court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers (18 inches). It is recognized however, those low ceiling heights in some justice courts do not allow for three-riser elevation. Benches elevated 18 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the dimensions of the room permit. Sufficient

space should be provided on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.
4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the clerk and the judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators, and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.
6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.

7. A jury room no smaller than 150 square feet should be integrated into each justice court. This space can serve as a conference room for attorneys and clients or as flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

- CLERICAL/SUPPORT SPACE:

The clerical and support space listed in the general court standards can also be applied to the justice courts. Actual justice court staff will vary widely depending on location, workload and county support.

COURT CERTIFICATION AFFIDAVIT

Justice Court: _____

Judge: _____

Address: _____

Telephone: _____

Court's Website: _____

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: _____

Daily Court Hours: _____

Number of Full-time Clerks: _____

Hours Worked Per Week Per Clerk: _____

Number of Part-time Clerks: _____

Hours Worked Per Week Per Clerk: _____

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge _____,

Justice Court Judge for _____,

and, except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. _____
2. Court is open daily. _____
3. The hours of court operation are posted conspicuously. _____
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. _____
5. The judge is compensated at a fixed rate, within the statutory range. _____
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. _____
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. _____
8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. _____
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support _____
 - b. Funding for attorneys for indigent defendants, as appropriate _____
 - c. Sufficient local law enforcement officers to attend court as provided by statute _____
 - d. Security for the court as provided by statute _____
 - e. Witness and juror fees _____
 - f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials _____
10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. _____

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212).

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

13. A record of all court proceedings is maintained by an appropriate digital recording system.

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. _____
2. Hours during which a clerk is available are posted on the court's website. _____
3. The judge is available to conduct court business as needed. _____
4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. _____
5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. _____
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge _____
 - b. A six-inch riser _____
 - c. Desk and chair for the court clerk _____
 - d. Chairs for witnesses _____
 - e. Separate tables and appropriate chairs for plaintiffs and defendants _____
 - f. A new Utah State flag that will be on display no later than March 9, 2024 _____
 - g. A United States flag _____
 - h. A separate area and chairs for at least four jurors _____
 - i. A separate area with appropriate seating for the public _____
 - j. An appropriate room for jury deliberations _____
 - k. An appropriate area or room for victims and witnesses which is separate from the public _____
 - l. A judicial robe _____

- m. A gavel _____
- p. Necessary forms and supplies _____
- q. Office space for the judge _____
- r. Office space for the court clerk _____
- s. Secure filing cabinets _____
- t. Appropriate office supplies _____
- u. A cash register or secured cash box for each clerk performing cashiering duties _____
- v. At least one computer with word processing software and internet access _____
- w. Access to a scanner and copy machine _____

4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. _____

5. Does the applicant have a law enforcement department? _____

6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: _____

7. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. _____

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. _____

9. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. _____

10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. _____

11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023.

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. _____
13. The court accepts credit and debit cards through a system that integrates with CORIS. _____
14. The court has access to UCJIS. _____
15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. _____

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

16. If the court is a Class I court:
 - a. Judge is employed on a full-time basis _____
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
 - c. Court has a jury deliberation room _____
 - d. Judge's chambers, clerk's office, and courtroom are in the same building _____
 - e. Judge has his or her own private chambers _____
 - f. Clerk's office is separate from any other entity _____
 - g. Court is open during normal business hours _____

17. If the court is a **Class II** court:

a. Court is open (check one)

201-300 average monthly filings: at least 4 hours/day
 301-400 average monthly filings: at least 5 hours/day
 401-500 average monthly filings: at least 6 hours/day

b. Trial calendar is set at least weekly ____

c. Courtroom configuration is permanent ____

d. Courtroom, judge's chambers, and clerk's office are within the same building ____

e. Judge has his or her own private chambers ____

18. If the court is a **Class III** court:

a. Trial calendar is set at least twice per month ____

b. Court is opened (check one):

61-150 average monthly filings: at least 2 hours/day
 151-200 average monthly filings: at least 3 hours/day

19. If the court is a **Class IV** court:

a. Trial calendar is set at least monthly ____

b. Court is open at least 1 hour per day ____

20. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this _____ day of _____, 2023.

Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this _____ day of _____, 2023.

C H E C K L I S T

Please be sure that your application for recertification includes each of the following:

1. Court Certification Affidavit completed and signed by the judge.
2. A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3. A copy of a duly passed resolution of the sponsoring governmental entity that
 - a. requests recertification of the court, and
 - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4. A copy of your court security plan, as required by Rule 3-414 of the Code of Judicial Administration.
5. A copy of any interlocal agreement(s) relating to court operations, as amended to date.

**ALL OF THESE DOCUMENTS MUST BE RECEIVED BY THE ADMINISTRATIVE
OFFICE OF THE COURTS BY:
DECEMBER 15, 2023.**

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241
jamesp@utcourts.gov

SAMPLE RESOLUTION

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE _____ JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Court shall expire on the 31st day of January 2024; and

WHEREAS, the members of the _____ City Council have received an opinion letter from _____, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the _____ City Council have determined that it is to the best interests of _____ Municipality to continue to provide for a Justice Court.

BE IT RESOLVED, the _____ (name of Council or Board) hereby requests recertification of the _____ Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED, the _____ (name of Council or Board) of Municipality hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 2023.

Municipality

by _____
(Title)

ATTEST: _____

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2023

Percent of Year Expired: 25%

| Fund | Current Appropriation | Monthly Total | Year-To-Date Total | Encumbrances | Balance | % To Date FY 2024 | % To Date FY 2023 | Notes |
|---|-----------------------|------------------|--------------------|--------------|------------|-------------------|-------------------|-------|
| 10 GENERAL FUND | | | | | | | | |
| Revenues | 70,269,070 | 4,700,651 | 10,490,881 | | | 15% | 15% | |
| Appr. Surplus - Prior Year | 22,304,114 | | 22,304,114 | | | 100% | | |
| Std. Interfund Transactions | 5,744,060 | | 5,744,060 | | | 100% | | |
| Total Resources | <u>98,317,244</u> | <u>4,700,651</u> | <u>38,539,055</u> | | 59,778,189 | 39% | 44% | |
| Expenditures | 98,317,244 | 8,700,361 | 27,244,224 | 8,830,624 | 62,242,396 | 37% | 23% | 1 |
| 20 ROAD FUND | | | | | | | | |
| Revenues | 3,800,000 | 553,166 | 576,368 | | | 15% | 13% | |
| Appr. Surplus - Current | 620,000 | | 620,000 | | | 100% | | |
| Appr. Surplus - Prior Year | 2,627,058 | | 2,627,058 | | | 100% | | |
| Total Resources | <u>7,047,058</u> | <u>553,166</u> | <u>3,823,426</u> | | 3,223,632 | 54% | 55% | |
| Expenditures | 7,047,058 | 680,806 | 1,039,142 | 738,040 | 5,269,876 | 25% | 42% | 2 |
| 21 CARE TAX FUND | | | | | | | | |
| Revenues | 3,380,000 | 251,393 | 284,252 | | | 8% | 9% | |
| Appr. Surplus - Current | 200,000 | | 200,000 | | | 100% | | |
| Appr. Surplus - Prior Year | 2,297,383 | | 2,297,383 | | | 100% | | |
| Total Resources | <u>5,877,383</u> | <u>251,393</u> | <u>2,781,635</u> | | 3,095,748 | 47% | 43% | |
| Expenditures | 5,877,383 | 223,811 | 1,340,264 | 876,449 | 3,660,670 | 38% | 25% | 3 |
| 24 TRANSPORTATION SALES TAX FUND | | | | | | | | |
| Revenues | 3,090,000 | 232,762 | 249,062 | | | 8% | 8% | |
| Appr. Surplus - Current | 250,000 | | 250,000 | | | 100% | | |
| Appr. Surplus - Prior Year | 2,816,080 | | 2,816,080 | | | 100% | | |
| Total Resources | <u>6,156,080</u> | <u>232,762</u> | <u>3,315,142</u> | | 2,840,938 | 54% | 50% | |
| Expenditures | 6,156,080 | 2,082 | 270,057 | 1,367,369 | 4,518,654 | 27% | 33% | |
| 30 DEBT SERVICE FUND | | | | | | | | |
| Revenues | 6,326,740 | | 553,934 | | | 9% | 9% | |
| Total Resources | <u>6,326,740</u> | | <u>553,934</u> | | 5,772,806 | 9% | 9% | |
| Expenditures | 6,326,740 | 45,898 | 137,894 | | 6,188,846 | 2% | 2% | |
| 45 CIP FUND | | | | | | | | |
| Revenues | 525,000 | 35,098 | 182,326 | | | 35% | 38% | |
| Appr. Surplus - Prior Year | 28,080,901 | | 28,080,901 | | | 100% | | |
| Total Resources | <u>28,605,901</u> | <u>35,098</u> | <u>28,263,227</u> | | 342,674 | 99% | 99% | |
| Expenditures | 28,605,901 | 398,554 | 707,499 | 715,791 | 27,182,611 | 5% | 9% | |
| 51 WATER FUND | | | | | | | | |
| Revenues | 19,980,034 | 2,093,246 | 7,500,087 | | | 38% | 42% | |
| Appr. Surplus - Prior Year | 47,331,789 | | 47,331,789 | | | 100% | | |
| Total Resources | <u>67,311,823</u> | <u>2,093,246</u> | <u>54,831,876</u> | | 12,479,947 | 81% | 84% | |
| Expenditures | 67,311,823 | 3,791,541 | 8,912,959 | 29,161,244 | 29,237,620 | 57% | 19% | 4 |
| 52 WATER RECLAMATION FUND | | | | | | | | |
| Revenues | 13,248,423 | 1,030,146 | 3,228,975 | | | 24% | 23% | |
| Appr. Surplus - Prior Year | 25,420,126 | | 25,420,126 | | | 100% | | |
| Total Resources | <u>38,668,549</u> | <u>1,030,146</u> | <u>28,649,101</u> | | 10,019,448 | 74% | 71% | |
| Expenditures | 38,668,549 | 628,024 | 3,317,786 | 6,644,046 | 28,706,717 | 26% | 19% | |
| 55 STORM WATER FUND | | | | | | | | |
| Revenues | 5,856,002 | 527,185 | 1,684,491 | | | 29% | 28% | |
| Appr. Surplus - Prior Year | 8,972,270 | | 8,972,270 | | | 100% | | |
| Total Resources | <u>14,828,272</u> | <u>527,185</u> | <u>10,656,761</u> | | 4,171,511 | 72% | 72% | |
| Expenditures | 14,828,272 | 266,160 | 1,961,689 | 1,185,152 | 11,681,431 | 21% | 16% | |
| 56 RECREATION FUND | | | | | | | | |
| Revenues | 3,775,040 | 200,088 | 1,009,263 | | | 27% | 24% | |
| Appr. Surplus - Prior Year | 147,409 | | 147,409 | | | 100% | | |
| Total Resources | <u>3,922,449</u> | <u>200,088</u> | <u>1,156,672</u> | | 2,765,777 | 29% | 25% | |
| Expenditures | 3,922,449 | 225,059 | 1,538,084 | 409,338 | 1,975,027 | 50% | 48% | |

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2023

Percent of Year Expired: 25%

| Fund | Current Appropriation | Monthly Total | Year-To-Date Total | Encumbrances | Balance | % To Date FY 2024 | % To Date FY 2023 | Notes |
|---------------------------------------|-----------------------|-------------------|--------------------|-------------------|--------------------|--------------------|-------------------|------------|
| 57 SOLID WASTE FUND | | | | | | | | |
| Revenues | 5,184,000 | 440,814 | 1,306,179 | | | 25% | 26% | |
| Appr. Surplus - Prior Year | 142,230 | | 142,230 | | | 100% | | |
| Total Resources | <u>5,326,230</u> | <u>440,814</u> | <u>1,448,409</u> | | | 27% | 28% | |
| Expenditures | 5,326,230 | 370,842 | 1,355,531 | 270,615 | 3,700,084 | 31% | 29% | |
| 58 STREET LIGHTING FUND | | | | | | | | |
| Revenues | 1,065,000 | 84,528 | 263,815 | | | 25% | 24% | |
| Appr. Surplus - Current | 320,000 | | 320,000 | | | 100% | | |
| Appr. Surplus - Prior Year | 373,612 | | 373,612 | | | 100% | | |
| Total Resources | <u>1,758,612</u> | <u>84,528</u> | <u>957,427</u> | | | 801,185 | 54% | 61% |
| Expenditures | 1,758,612 | 33,789 | 575,849 | 611,139 | 571,624 | 67% | 55% | |
| 61 FLEET MAINTENANCE FUND | | | | | | | | |
| Revenues | | 760 | 760 | | | 100% | | |
| Appr. Surplus - Prior Year | | 57,445 | 57,445 | | | 100% | | |
| Std. Interfund Transactions | | 1,075,000 | 1,075,000 | | | 100% | | |
| Total Resources | | <u>1,132,445</u> | <u>760</u> | <u>1,133,205</u> | -760 | 100% | 100% | |
| Expenditures | | <u>1,132,445</u> | <u>59,048</u> | <u>398,916</u> | 54,419 | 679,110 | 40% | 37% |
| 62 PURCHASING/WAREHOUSING FUND | | | | | | | | |
| Appr. Surplus - Prior Year | 5,543 | | 5,543 | | | 100% | | |
| Std. Interfund Transactions | 450,000 | | 450,000 | | | 100% | | |
| Total Resources | <u>455,543</u> | | <u>455,543</u> | | | 100% | 100% | |
| Expenditures | 455,543 | 25,871 | 185,469 | 1,696 | 268,378 | 41% | 44% | |
| 63 SELF INSURANCE FUND | | | | | | | | |
| Revenues | 790,000 | 64,301 | 193,778 | | | 25% | 26% | |
| Appr. Surplus - Current Year | 175,000 | | 175,000 | | | 100% | | |
| Appr. Surplus - Prior Year | 22,301 | | 22,301 | | | 100% | | |
| Std. Interfund Transactions | 1,585,000 | | 1,585,000 | | | 100% | | |
| Total Resources | <u>2,572,301</u> | <u>64,301</u> | <u>1,976,079</u> | | | 596,222 | 77% | 78% |
| Expenditures | 2,572,301 | 117,974 | 881,352 | 52,025 | 1,638,924 | 36% | 71% | 5 |
| 64 INFORMATION TECH FUND | | | | | | | | |
| Revenues | 9,336 | | 2,034 | | | 100% | | |
| Appr. Surplus - Prior Year | 442,422 | | 442,422 | | | 100% | | |
| Std. Interfund Transactions | 3,410,000 | | 3,410,000 | | | 100% | | |
| Total Resources | <u>3,861,758</u> | | <u>3,854,456</u> | | | 7,302 | 100% | 100% |
| Expenditures | 3,861,758 | 260,670 | 836,805 | 271,538 | 2,753,415 | 29% | 30% | |
| 65 FACILITIES MAINTENANCE FUND | | | | | | | | |
| Appr. Surplus - Prior Year | 5,410 | | 5,410 | | | 100% | | |
| Std. Interfund Transactions | 2,250,000 | | 2,250,000 | | | 100% | | |
| Total Resources | <u>2,255,410</u> | | <u>2,255,410</u> | | | 100% | 100% | |
| Expenditures | 2,255,410 | 222,311 | 607,910 | 538,279 | 1,109,221 | 51% | 46% | |
| 74 CDBG FUND | | | | | | | | |
| Revenues | 742,646 | 7,341 | 28,038 | | | 4% | 1% | |
| Appr. Surplus - Prior Year | 336,744 | | 336,744 | | | 100% | | |
| Total Resources | <u>1,079,390</u> | <u>7,341</u> | <u>364,782</u> | | | 34% | 40% | |
| Expenditures | 1,079,390 | 141,593 | 353,536 | 2,641 | 723,213 | 33% | 18% | |
| CITY TOTAL RESOURCES | 295,503,188 | 10,221,479 | 185,016,140 | | | 109,772,440 | 63% | 64% |
| CITY TOTAL EXPENDITURES | 295,503,188 | 16,194,394 | 51,664,966 | 51,730,405 | 192,107,817 | 35% | 22% | |

CITY OF OREM
BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2023

Percent of Year Expired: 25%

| Fund | Current Appropriation | Monthly Total | Year-To-Date Total | Encumbrances | Balance | % | % | Notes |
|------|--------------------------|------------------|-----------------------|--------------|---------|--------------------|--------------------|-------|
| | | | | | | To Date FY 2024 | To Date FY 2023 | |

NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED SEPTEMBER 2023:

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$8,830,624) being significantly higher than in the prior fiscal year (\$3,118,604) at this date in time. The majority of this change is due to the Hillcrest Park construction project and associated payments which had not yet begun in the prior fiscal year.
- 2) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$738,040) being significantly lower than in the prior fiscal year (\$1,452,468) at this date in time.
- 3) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$876,449) being significantly higher than in the prior fiscal year (\$78,844) at this date in time. The majority of this change is due to the Hillcrest Park construction project and associated payments which had not yet begun in the prior fiscal year.
- 4) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$29,161,244) being significantly higher than in the prior fiscal year (\$3,692,265) at this date in time. The majority of this change is due to the Storage Tank, Water Reuse and 800 South Utility Pipeline projects and associated payments which had not yet begun in the prior fiscal year.
- 5) The current year expenditures are lower in comparison to the prior year due to having not yet paid the URMA liability insurance in the current year while it was paid in August in the prior fiscal year.

Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Brandon Nelson (229-7010).